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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,850	10/29/2003	Donald R. Huene	6200.260	6269

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,850

Applicant(s)

HUENE ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9-15 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 8, 16-19 and 23-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 9-15, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (U. S. Patent No. 5,690,443). Sullivan ('443) discloses a fastener system (See figures 17, 24) for binding paper, comprising: a base (114) having spaced first and second ends; a first prong (135 or 157) extending from said first end; a second prong (135 or 157) extending from said second end; a first member (20 or 48) having a first opening (see details in Figures 1, 2, 12, 15, & 16) for receiving said first prong; and a second member (other one of 20 or 48) having a second opening for receiving said second prong, said first and second members releasably securable to form a top lock;

(concerning claim 2) each of said first and second prongs includes a side having a teeth (ratchet teeth 40, 140, 150 extending therefrom;

(concerning claim 3) each of said first and second openings includes an inwardly extending protrusion (a respective tooth of teeth 50, 180) for releasably engaging said teeth, thereby releasably securing said first and second members at a selected distance from said base;

(concerning claim 4) the first member further comprises a plurality of apertures (i.e., apertures of "multiple collar female portions" can be provided, according to column 10, lines 32-37, for engagement to multiple male posts, ) spaced from said first opening;

(concerning claim 6) the base comprises a first portion (12A, Figure 23) and a second portion (12B), said first and second portions releasably securable (at 160) to form an adjustable base;

(concerning claims 9 and 10) the base and the top lock are each made of plastic ("plastics", col. 13, line 63); and

(concerning claim 11 and 12) the top lock is a flexible strap; and the first and second prongs are flexible, since plastic material is flexible.

Concerning claims 13, Sullivan ('443) discloses a fastener system (See figure 24) for binding paper, comprising: a fastener system for binding papers, comprising: a U-shaped member (130) having a base (133) and first and second prongs (outer 135) extending from said base; a first L-shaped member (20) having an first tubular leg (35) with a longitudinally extending opening (opening between collar half 35A, Fig. 1) for receiving said first prong, and a second leg (base portion 25A, Fig. 1); a second L-shaped member (other respective 20) having a second tubular leg (35) with a longitudinally extending opening (opening between collar half 35A, Fig. 1) for receiving said second prong, and a second leg (other respective base portion 25A) releasably securable to said second leg of said first L-shaped member;

(concerning claim 14) the first and second prongs include teeth (140) longitudinally extending along a side of each of said prongs (see detail in Fig. 1);

(concerning claim 15) each of said first and second tubular legs includes protrusions (respective ratchet teeth 40) longitudinally extending inwardly relative to said opening for releasably engaging said teeth; and

(concerning claims 20 and 21) the U-shaped member, and each of the first and second L-shaped members are plastic ("plastics", col. 13, line 63).

Concerning claim 22, Sullivan ('443) discloses a method (as demonstrated in Figures 1-24, and at least in lines 3-18 of column 4, and lines 40-61 of column 7), of securing a stack of papers, comprising the steps of: providing a base (114) having spaced first and second ends with a first prong (135, 157) extending from the first end and a second prong (135, 157) extending from the second end; passing the prongs through spaced holes along an edge of at least one sheet of paper (Figs. 5 and 6); providing a first member (20, 48) having a first opening (see details in Figures 1, 2, 12, 15, & 16) for receiving the first prong and a second member (other of 20, 48) having a second opening for receiving the second prong; passing the first prong through the first opening; passing the second prong through the second opening; and releasably securing the first and second members together to form a top lock.

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*Allowable Subject Matter*

Claims 5, 7, 8, 16-19 and 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
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